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A Connecticut Limited Liability Company

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Joan S. Formeister, Chairman
Somers Conservation Commission
Town of Somers
600 Main Street
Somers, CT 06071

Re: Application #740, 50 Hangdog Lane

Dear Chairman Formeister:

Attorney Schober's letter of March 11, 2021 has made its way to my desk for a response. I have reviewed the contents and have the following advice and comments:

1. Failure of Notice.

The issue here is whether the applicant was the owner of the property at the time the application was filed. Apparently the applicant was Roulier Family Partnership while the owner was actually Roulier Family Limited Partnership. While the applicant does not have to be the owner it must have some interest in the property. I assume that the Roulier Family Partnership does not actually exist therefore it cannot have an interest within the property. This problem will have to be corrected while the hearing remains open. Notwithstanding this, I do not see how anyone would have been prejudiced by this mistake as long as the application and all notices have correctly identified the property.

2. Representation by Daniel Roulier.

There is nothing in the statutes or regulations that I am aware of which requires the applicant to “officially” name a representative in order for that individual to speak on their behalf. To me this is a nonissue.

3. Completeness of Application.

The Commission decides whether the application is complete or not. The issue here appears to be an abutters’ claim of a prescriptive easement across the subject parcel. Issues of title are beyond the scope of inquiry for the Commission. If the abutter wants to make this claim there is a forum for that. Unless the existence of the pipe is directly relevant to a wetlands issue this is not something the Commission needs to decide.

4. Driveway Code.

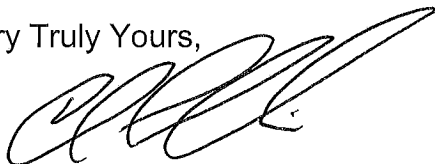
This issue is not for the Commission to decide unless the slope of the driveway directly impacts a wetlands matter. Whether the driveway meets the driveway code is for others to possibly determine at another time.

5. Public Safety.

Again, issues of public safety are beyond the scope of the Commission. The jurisdiction of the Commission is limited to the impact of the proposed activity on wetlands and watercourses. If the intervenor has some authority on this issue I suggest they share it with this office.

I trust this is responsive to the issues raised in Attorney Schober’s letter.

Very Truly Yours,



Carl T. Landolina